UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,176	07/19/2001	James R. Fuccello	538Y	1912

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KIRSCHSTEIN, OTTINGER, ISRAEL
& SCHIFFMILLER, P.C.
489 FIFTH AVENUE
NEW YORK, NY 10017

EXAMINER
PHAN, TRI H

ART UNIT	PAPER NUMBER
2661	

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/909,176	FUCCELLO ET AL.
		Examiner	Art Unit
		Tri H. Phan	2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 March 2002</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *3/29/2002*.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment/Arguments

1.   This Office Action is in response to the Response/Amendment filed on March 26th, 2002. Claims 1-24 are now pending in the application.

Claim Objections

2.   Claims 6 and are objected to because of the following informalities:

In claim 6, the recitation "the step of positioning" in line 1 should be correct to -- a step of positioning --; and the recitation "the authentication site" in line 3 should be correct to -- an authentication site -- for clarities.

In regard to claim 10, the recitation "the step of manually selecting" in line 1 should be correct to -- a step of manually selecting -- for clarity.

In regard to claim 12, the recitation "the step of determining" in line 1 should be correct to -- a step of determining --; and the recitation "the step of displaying" in line 3 should be correct to -- a step of displaying -- for clarities.

In regard to claim 13, the recitation "the step of asking" in line 2 should be correct to -- a step of asking --; and the recitation "the step of selecting" in line 3 should be correct to -- a step of selecting -- for clarities.

In regard to claim 16, the recitation "the step of measuring" in line 1 should be correct to -- a step of measuring --; and the recitation "the step of displaying" in line 3 should be correct to -- a step of displaying -- for clarities.

In regard to claim 18, the recitation "the step of encrypting" in line 1 should be correct to -- a step of encrypting -- for clarity.

In regard to claim 19, the recitation "the step of paying" in line 1 should be correct to -- a step of

paying --; the recitation "the step of presenting" in line 2 should be correct to -- a step of presenting --;

and the recitation "the step of selecting" in lines 3-4 should be correct to -- a step of selecting -- for

clarities.

In regard to claim 23, the recitation "the step of recording" in line 1 should be correct to -- a step

of recording -- for clarity.

In regard to claim 24, the recitation "the step of charging" in line 1 should be correct to -- a step

of charging -- for clarity.

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject
> matter which the applicant regards as his invention.

4.   Claims 1 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as the

invention.

- Regarding claim 1, the recitations "*authenticating the user of the mobile unit at the server on the*

local area network to enable access to the communications network using the network address" (lines 7-

8) and "*recording some session particulars of the communications session in the centralized server by the*

network address on the communications network ..." (lines 10-11) are vague and unclear because the

examiner does not know which "*network address*", e.g. "*mobile unit*" or "*server*" address, is belonged to

and how to use for the "*authenticating*" and "*recording*" methods.

- In regard to claim 22, the recitation *"level of authorization and credentials of the user"* is vague

and unclear because the examiner does not know what *"level of authorization and credentials of the user"*

is and where the predetermined set of the network services are delivered to.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section
> 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the
> subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill
> in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

6.   Claims 1, 7, 9 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Arnold et**

al. (U.S.5,905,719; hereinafter refer as '**Arnold**').

- In regard to claim 1, **Arnold** discloses in Figs. 1-7 and in the respective portions of the

specification about the *system and method for providing access to the communications network to the*

user supporting the mobile unit capable of wireless communication with the access node of the local area

network capable of connecting to the communications network (For example see Fig. 1), *which comprises*

the steps of initially establishing wireless communication between the mobile unit ('user terminal') *and*

the access node ('base station') *by associating the mobile unit with the access node* (For example see col.

2, lines 19-28), *authenticating the user of the mobile unit at the server on the local area network*

('controller internet access point') *to enable access to the communications network using the network*

address (For example see col. 5, lines 2-11; wherein the network address is the source/destination

addresses, which are inherent in the IP packets, or the URL address of the web page, e.g. site address,

when the user requests for a web page when browsing the Internet as disclosed in col. 3, lines 54-55),

establishing communication with the destination on the communications network ('browsing the web

page'; For example see col. 3, lines 54-55); but fails to explicitly disclose about *"recording some session*

particulars of the communications session in the centralized server" by the network address on the

communications network during which the mobile unit communicates with the destination. However,

Arnold does disclose about the charge, which considers based on the data rate options selected by the

customer for access the internet, as disclosed in col. 6, lines 4-12; wherein it is obvious that the selected

data rate (*"session particulars of the communications session"*) has to be *"recorded"* at the 'billing server'

(*"centralized server"*), in order to be charge on the customer based on the user's selected data rate.

Thus it would have been obvious to the person of ordinary skill in the art at the time of the

invention was made to implement the method of *recording some session particulars of the*

communications session in the centralized server into the **Arnold**'s charging system, with the motivation

being to record the user's selected data rate for charging the bill to the customer as disclosed in col. 6,

lines 4-12.

- Regarding claims 7 and 9, in addition to features in base claim 1 (see rationales pertaining the

rejection of base claim 1 discussed above), **Arnold** further discloses *wherein the access node is in*

wireless communication with the communications network (For example see Fig. 1) *and wherein the*

destination is the user-selectable database containing information content ('web page'; For example see

col. 3, lines 54-55).

- In regard to claim 22, **Arnold** discloses in Figs. 1-7 and in the respective portions of the

specification about the system and *method for delivering information network services to the user*

supporting the mobile unit in the venue (see Fig. 1), *which comprise the steps of providing access nodes*

of the local area network throughout the venue, the mobile unit being capable of wireless communication

with a node when located within the operating range ('cell range'; For example see col. 4, lines 20-24)

therefrom (For example see Fig. 1; wherein, it is obvious that the internet is the *"venue"* where the user

uses the web browser for browsing the World Wide Web as disclosed in col. 3, lines 54-55), *listening on*

the delivery channel to determine the identity of the wireless local area network protocol in use and

configuring the mobile unit to establish wireless communication over the delivery channel with the node

pursuant to the protocol (For example see col. 4, lines 41-67), *determining the level of authorization and*

credentials of the user (For example see col. 5, lines 2-11) *and delivering the predetermined set of the*

network services ('provided options to the customer') *over the delivery channel based on the determined*

level of authorization and credentials of the user (For example see col. 5, line 12 through col. 6, line 12).

7.   Claims 2-6, 8, 10-21 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Arnold et al. (U.S.5,905,719; hereinafter refer as '**Arnold**') in view of **Malcolm et al.** (WO 00/72572;

hereinafter refer as '**Malcolm**').

        - In regard to claims 2 and YY, **Arnold** discloses all the subject matter of the claimed invention

including the system and method for providing wireless access to the Internet as discussed in part 5 above

of this Office Action, except the method for *transmitting the association request from the mobile unit to*

the access node and by receiving the association response from the access node at the mobile unit.

However, such implementation is known in the art.

        For example, **Malcolm** discloses in Figs. 1-5 and in the respective portions of the specification

about the system and method for billing in the wireless communication system, which bases on the

quality of service 'QoS' associated with each session the access device may be involved in or establishes

through the access network through the service request from the access device (*"association request"*) and

response to the user via the access network (*"association response"*) as disclosed in page 8, lines 7-33.

Thus it would have been obvious to the person of ordinary skill in the art at the time of the

invention was made to implement the request/response from/to the access device as taught by **Malcolm**

into the provided data rate options of **Arnold**'s system, with the motivation being to provide means for

requesting selected data rates and receiving the response from the system, in providing data rate options

from the system to the customer as disclosed in col. 6, lines 4-12.

- Regarding claims 3-4, the combination of **Arnold** and **Malcolm** fails to explicitly disclose about

the authentication *"request/response"*. However, the authentication *"request and response"* are inherent in

the authentication method, which is verified by the system (*"validated at the authentication site"*), and

wherein the customer's registration and authentication can be automatic or *"manual"*, depending on the

system choices in writing the program for authentication as disclosed in **Arnold**; col. 5, lines 2-13.

Thus it would have been obvious to the person of ordinary skill in the art at the time of the

invention was made to implement the authentication request/response, wherein the authentication request

is initiated by *"manual action"* as system design choices, into the authentication method of the **Arnold**'s

system.

- In regard to claims 5-6, **Arnold** further discloses about the *positioning a plurality of access*

nodes of the local area network at spaced-apart locations ('cell sites') *throughout the venue* ('Internet')

as disclosed in col. 4, lines 10-24; *in which suppliers of information content are situated* ('web page'; For

example see col. 3, lines 54-55) *and wherein the authentication site validates the authentication request*

only for a limited number of the access nodes (wherein it is inherent that the authentication is verified for

only validated access nodes through the verification as disclosed in col. 5, lines 2-13), but fails to

explicitly disclosed about *"passing the transaction card identifying the user across the card reader on the mobile unit"*. However, such implementation is known in the art.

For example, **Malcolm** further discloses about *passing the transaction card* ('payphones, pre-paid, meter pulses, etc.') *identifying the user across the card reader on the mobile unit* (For example see page 7, line 32 through page 8, line 1).

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to implement the use of payphones, pre-paid, meter pulses, etc., as taught by **Malcolm** into the **Arnold**'s wireless access system, in order to provide the billing information to the billing server to permit generation of charging information as disclosed in **Malcolm**; from page 7, line 32 through page 8, line 1.

- Regarding claims 8, 21 and 23-24, **Arnold** does discloses about the charge, which considers based on the data rate options selected by the customer for access the internet, as disclosed in col. 6, lines 4-12; wherein it is obvious that the selected data rate (*"session particulars of the communications session"*) has to be *"recorded"* at the server (*"access node"*), in order to charge to the customer (*"charging"*) based on the user's selected data rate, e.g. *recording the additional session particulars at the mobile unit on the network*.

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to implement the record of session particulars on the **Arnold**'s system, in order to charge to the customer based on the user's selected data rate.

- In regard to claims 10-11, **Arnold** does disclose about the selected data rate options (*"manually selecting the parameter of the communication with the destination at the mobile unit"*; For example see col. 6, lines 4-12); but fails to explicitly disclosed wherein the *parameter is selected from the group*

consisting of the session start time, the session stop time, the session duration, session quality of

transmission, session usage, databases accessed, number of contacts, location of mobile unit, time of day,

traffic class and category, encryption level, session protocol, packet loss, net throughput, transmit power,

priority requested and priority granted. However, such implementation is known in the art.

For example, **Malcolm** further discloses about the *parameter is selected from a group consisting*

of a session start time, a session stop time, a session duration, session quality of transmission, session

usage, databases accessed, number of contacts, location of mobile unit, time of day, traffic class and

category, encryption level, session protocol, packet loss, net throughput, transmit power, priority

requested and priority granted ('quality of service', 'class of service', 'bandwidth'; For example see page

8, line 14-24).

Thus it would have been obvious to the person of ordinary skill in the art at the time of the

invention was made to implement the provided parameters as taught by **Malcolm** into the **Arnold**'s

provided options, in order to provide customized options to the user in selecting the services request.

- Regarding claims 12-15, **Arnold** further discloses about *determining one from a plurality of*

delivery channels ('traffic channels') *having different parameters* ('data rates') *along which information*

content from the destination is delivered to the mobile unit (For example see col. 5, lines 2-37), *displaying*

the delivered information content on the mobile unit (For example see col. 3, lines 54-55; where the web

page is displaying on the user terminal's screen as disclosed in col. 4, lines 3-6) *and asking the user to*

select the desired one of the parameters, and selecting the desired one of the parameters by the user (For

example see col. 6, lines 4-12), but fails to explicitly disclose about *displaying all the parameters on the*

display screen. However, it is inherent that the provided options must be displayed on the screen of the

customer's terminal (*"display screen"*) for the user selecting and sending the request.

- In regard to claims 16-17, **Arnold** fails to explicitly disclose about *measuring the remaining amount of time that the mobile unit is able to communicate with the node and displaying the remaining amount of time and total amount of time that the mobile unit has been in communication with the node on the display screen on the mobile unit*. However, such implementation is known in the art.

For example, **Malcolm** further discloses about the prepayment capability for the service by checking sufficient credit (*"measuring the remaining amount of time"*) and establishing the current credit available to the user (*"displaying the remaining amount of time on the display screen"*) as disclosed in page 11, lines 12-24. **Malcolm** also discloses about the account record when the session is released, e.g. end-of-session, as disclosed in page 12, lines 25-34, but fails to explicitly disclose about *displaying the total amount of time* that the mobile unit has been in communication with the node *on the display screen on the mobile unit*. However, it is obvious that for writing the program code to send and display on the display screen of the mobile unit, the total amount of time that the mobile unit has been in communication with the other node, as a matter of choices of the system engineering.

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to display the total amount time spending in communication on the display screen of the mobile unit on the **Malcolm** and **Arnold**'s provided options, in order to provide to the user in knowing the total amount time spending on the communication with other node.

- Regarding claim 18, the combination of **Arnold** and **Malcolm** fails to explicitly disclose about *encrypting the information content prior to delivery*. However, encrypting the information technique is well known in the art for providing secure information in the communication system.

Therefore, it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to use the encryption method for encrypting the information, before delivery to the

network, to secure the information when providing access to the network, e.g. the internet, as disclosed in the combination of **Arnold** and **Malcolm**.

- In regard to claims 19-20, **Arnold** does disclose about the provided options on the data rate for the customer to select (For example see col. 6, lines 4-12; wherein the charge is considered more for high-data-rate options), but fails to explicitly disclose about displaying "*payment options*" as the provided options. However, it is obvious that displaying the provided options as data rates or *payments* is a matter of choices in writing the software's program codes.

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to display the *payment options* on the **Arnold**'s provided options, as system engineering choices, in order to provide to the user the knowledge of the payments to select while communicating with other node.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **Elliott, Stephen Bennett** (U.S.6,473,097), **Ginzboorg et al.** (U.S.6,240,091) and **Salo et al.** (U.S.6,563,800) are all cited to show devices and methods for improving the Internet access in the telecommunication architectures, which are considered pertinent to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272-3126.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street,

Alexandria, VA 22314.

Any inquiry of a general nature or relating to the status of this application or proceeding should

be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (571)

272-2600.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained

from either Private PAIR or Public PAIR. Status information for unpublished applications is available

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direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

BRIAN NGUYEN
PRIMARY EXAMINER

Tri H. Phan
August 11, 2005